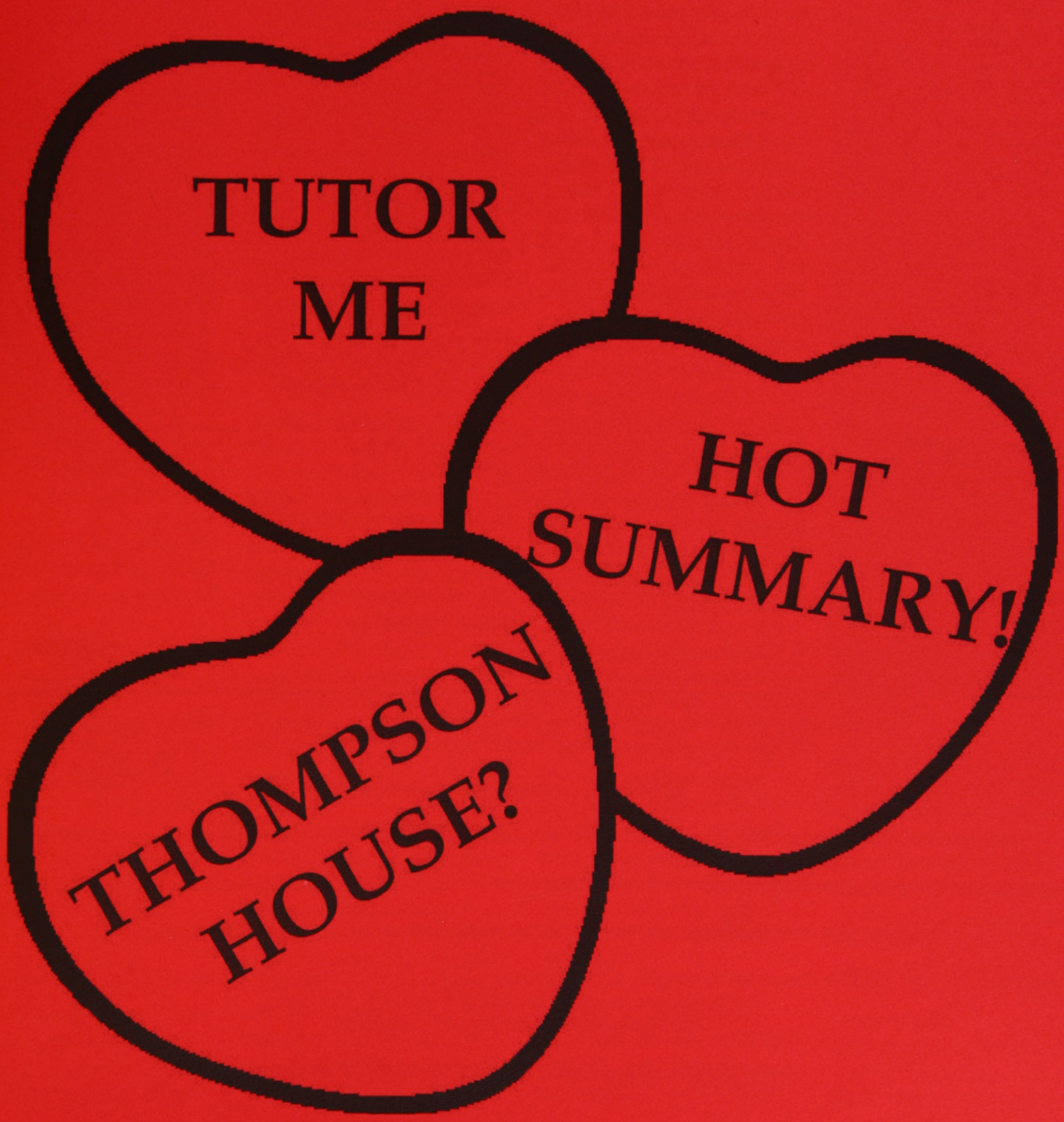
QUID NOVI

McGill University, Faculty of Law
Volume ~~28~~ 29, no. 16, February 12, 2008



QUID NOVI

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EDITORIAL

by Cassandra Brown (LAW III)
Co-Editor-in-Chief

Who doesn't love a good story about a Canadian overcoming the odds to learn French or English despite having been raised in a unilingual environment? Perhaps my own upbringing (as an anglophone Calgarian who longed to study French and to live in Quebec) is partially to blame for the fact that my heart skips a beat to hear tales recounted such as that of Aline Chretien's elegant insistence on continually ameliorating her English, or Beverley McLachlin's late-in-life devotion to learning French. It seems to be the personal quest that is quintessentially Canadian .

After attending Chief Justice McLachlin's talk on Bilingualism and Bijuralism last week, some friends and I were prompted to discuss the importance of speaking both official languages fluently in various facets of Canadian public life. According to the 2006 Statistics Canada Census, only 5,448,850 of the 31,241,030 reported Canadians speak both English and French. Undoubtedly, the number of people among these five and a half million who could be considered fluently bilingual, capable of delivering a speech or responding to questions in their weaker language, is smaller still. Is it legitimate to automatically disqualify the 25,792,180 Canadians who haven't lived the stories of our most admired bilingual Canadians from certain- or any - positions in public life and government?

For elected positions such as political party leaders or Prime Minister, usually the decision about a candidate is made in a decentralized way that involves mass media, debates, endorsements, personal persuasion and word of mouth. While voters/party members are able to focus on any attributes of a candidate to either discredit or promote her, linguistic competency usually does not escape scrutiny (assuming of course that it is a national contest – I am sad to say that in the recently called Alberta general election, candidates who cite their committment to the French language as evidence of their electability will be rare). Indeed, today in Canadian national politics even mere discomfort with one of [see Editorial p 4]

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The *Quid Novi* is published weekly by the students of the Faculty of Law at McGill University.
Production is made possible through the direct support of students.

Envoyez vos commentaires ou articles avant jeudi 5pm à l'adresse: quid.law@mcgill.ca

Toute contribution doit indiquer l'auteur et son origine et n'est publiée qu'à la discrétion du comité de rédaction, qui basera sa décision sur la politique de rédaction telle que décrite à l'adresse:
http://www.law.mcgill.ca/quid/epolicy/html.

Contributions should preferably be submitted as a .doc attachment.

LA VIE, LA MORT, LES MYTHES

by Alex Herman (LAW III)

Ceci est une réponse à l'article « Morte, la souveraineté » de Hugues Doré Bergeron. La raison pour laquelle j'écris, c'est pour discréditer quelques mythes qui ont été proposés par l'auteur, autant que par Jean-Francois Lisée, l'ancien conseiller de Jacques Parizeau, pendant son discours le 30 janvier à la faculté.

Doré Bergeron echoed the assertions of Lisée fairly admirably: firstly, that an independent Quebec would be an economically viable entity and, secondly, that, due to the mentality of the rest of Canada, separation is the only option for North America's francophone minority. Lisée correctly showed that Quebec consists of a generally robust economy: that it's GDP was high, that its inhabitants made roughly the same as those in Ontario and that its society balanced wealth relatively equally among its population. So far, things sound fine.

Why is there a need – or rather a probability – for the separation of Quebec, some may ask? Well, the answer is simple: the rest of Canada, while claiming to support official bilingualism, is actually becoming less and less "French." The population of the rest of Canada is growing at a larger rate than that of Quebec. Immigrants from non-French-speaking countries are swarming in and now foreign-born Canadians make up almost the same numbers as the Québécois. The general fear then – and a perfectly valid one – is that the original French Canadian population will become an increasingly smaller minority in a sea of English-speaking assimilation.

Lisée presented a barrage of strangely un-credited charts and graphs to demonstrate this point. One particular slide showing the relative decline of the French-speaking population revealed that, on the eve of the Conquête in 1763, Canada's population was 100% French-speaking. No joke. The land, apparently, was terra nullius when the French established their colony at Québec four hundred years ago – no other language was spoken. Clearly, if the French experience on this continent began at 100%, the steadily declining numbers must be alarming – as though some past Eden has been lost. This fact was obvious for Lisée. We can only hope that the students in attendance were a little more suspicious.

Lisée represented in one characteristic the souverainiste par excellence: an obsession with numbers. It seems that all Québécois who care about la quéstion nationale are preoccupied with percentages, especially that of the 50% threshold that alluded the separatists in 1980 and 1995. One of Lisée's slides showed the support for sovereignty since the first referendum, a yearly chart with a surprising fluctuation: in the post-Meech era, support was as high as 65%, and in the late-90s it dipped down to 40%. Lisée pointed to the 1995 year and claimed that, if only the government of Quebec had held a referendum one or two years earlier, they would have received a Yes vote. This is a little worrying.

Firstly, a referendum should be a public consultation. It is not something to be called every time a government consults the polls and thinks it has a chance of winning. It should be used by a government to test the waters before implementing a policy. For Lisée, the future of Quebec – and Canada – can be played like la bourse: there are ups and there are downs; the key is to buy stock at a winning number. The serious question of separation can apparently be approached with a high-risk mentality. Even though support for the Yes may be at 43% in 2008, if it reaches 51% in 2009 and the government chooses to hold a referendum in that year, they will have finally achieved the mandate they always sought – regardless of whether it goes down to 38% in 2010.

This ties in to the great worry for the rest of Canada when it comes to referenda in Quebec. Even if the PQ loses, it can try, try and try again until it wins. But after a victory, it's game over for any opposition. Just as the Québécois underwent a period of powerlessness after the Constitution Act, 1982 was adopted without the consent of their provincial government, so too did their fellow Canadians feel similarly powerless as they watched their country come to the brink of break-up in 1995. There must be a better understanding of our respective fears: we must put ourselves in each other's shoes.

The problem with the souverainiste argument put forward by Lisée and Doré Bergeron is that it fails to adequately understand the perspectives of "English" Canada. Lisée claimed that English Canada was always opposed to the aspirations of the Québécois. He said that, because of their general antipathy towards Quebec, the Meech Lake Accord never passed into law. This is a strange statement for a senior PQ aide to make: if Manitoba and Newfoundland are seen to have rejected the Québécois by rejecting Meech, then the PQ, which voted against Meech in the Assemblée Nationale, also rejected the Québécois.

In support of this shaky thesis, Doré Bergeron brought up the "fact" that 77% of English Canadians were opposed to Prime Minister Harper's recognition of the Québécois as a nation in November, 2006. If he was referring to the Leger survey, the number is actually around 60% - I found no sources saying it went any higher. Regardless, the majority number is used to

show how the rest of Canada will never accept Quebec for what it is – the centre of a distinct francophone community. This is patently untrue.

One of the main reasons that people opposed Harper's motion was that it came out of the blue. They were against the procedure he used: there were no consultations, no hearings and the motion went completely against earlier statements the Prime Minister had made. For English Canada to accept the Québécois nation thesis, it must involve public input from all Canadians – including the Québécois themselves.

Just like the meandering support for sovereignty in Quebec, the recognition of Quebec from outside also has its ups and downs. It is misleading to take the results of one poll and claim it reveals a total disinterest in accepting the Québécois for what they are. Canadians, in my view, are overwhelmingly aware that Quebec constitutes a distinct society – to say otherwise would be ignorant.

So what can be done? Unlike the sovereigntists, I believe this problem can be addressed. It's far from hopeless. Our problems in Canada being far milder than problems in other parts of the world, if we can't solve them, there is little hope for others. If the Québécois never want a repeat of 1982 – when their society was changed without their input – then the rest of Canada never wants a repeat of 1995 – when their own society was nearly destroyed without input.

An important change could be made to the Clarity Act to correspond with the interests of both sides. The PQ, the only party in Quebec that would deign to hold another referendum, rejects the current formulation of the Act. That's not good. That creates "dissensus:" when a law is not accepted by one of the parties it could affect.

At the same time, Canadians in general can see that the Clarity Act, somewhat ironically, offers no clarity. It fails to spell out the conditions wherein a province could actually secede from Canada (which is what the Quebec Secession Reference asked for): all it says is that the House of Commons shall determine whether a referendum question is clear enough and whether support for it can be considered a clear majority of the population.

My suggestion would be to open up the Act in order to find out what Canadians really want. Let there be consultations and hearings. Let the government create a commission on the matter. Let Canadians – including, of course, the Québécois – determine, in this time of relative peace, what they would consider a clear majority and a clear question. If these two things were settled now, while the PQ is not in power, it would be a democratic way to set the parameters for any future referendum.

[Editorial, contd. from 2]

the official languages, let alone unilingualism, is cause for widespread criticism. Canadians like Jean Chretien, Kim Campbell and Stephane Dion have been attacked by the media for their supposed lackluster performances in their non-native tongue, even though most of them claimed to be, and were described by others as, bilingual. In my aforementioned discussion, I agreed with the status quo; I said that national politicians should expect to be attacked if they are not fluently bilingual. As our history shows, being challenged on his bilingualism has not always been the automatic downfall of a candidate; the public can decide if he is so overwhelmingly impressive that he merits being elected even without the ability to fluently speak both languages. Having this issue at the forefront of national politics proves that Canadians are ready to do more than pay lip service to the ideal of a bilingual nation.

But what about appointed officials and hired civil servants? On one hand, they are less in the spotlight than national politicians. On the other hand, they are chosen or hired directly by the Canadian government. Supreme Court Justices, for example, who give talks and interact in the international community, are constantly contributing to the collective image of Canadians held by people around the world. Since Canadians don't have the opportunity to vote on these or other officials, is it legitimate for us to expect that they have certain linguistic competencies? I believe that it is. The automatic disqualification of 83% of our population (and possibly more) for these positions is a hard thing to justify, but to me it is imperative that both our own population and the international community know that the federal government takes bilingualism seriously, as a matter of policy and not just politics. Statistics done by Decima Research, and used by the Canadian Treasury Board for itsannual national Performance Report, indicate thatan increasing percentage of Canadians agree with me. In 2006, seventy-two percent of all Canadians supported policies of official bilingualism, compared to only fifty-six percent in 2003. Surprisingly, while anglophones are still more likely to be unilingual (and thus more likely to disadvantaged by these policies), their support has increased dramatically in this period, by nineteen percent. Francophone support increased by two percent, although it was already - and still is - higher.

Of course, statistics about how many Canadians support bilingualism requirements for non-elected government positions does not decisively answer the question of whether they are legitimate, and how far they should go. At the end of our discussion, I think that we would have all conceeded that the original inquiry was "vague and overbroad" from the outset, and that any attempt to provide a clear answer that applies to all people are misplaced. With little contention it is possible to define a core of candidates who are clearly inappropri [see Editorial p 8]

SPREAD A LITTLE AMOUR À LA FAC...

Be it **AGAPE** ... (You see him all the time, always buying a snack between classes. Save him from himself and make him feel special while he snacks!)

Soit **FRATERNITÉ** ... (Tu les vois tous les jours; laisse-tes amis savoir qu'ils sont aimés !)

Or maybe, just maybe a little **EROS**. (You know who he...she...or they are. Send them a special nookie cookie this Valentine's Day!)

OutLaw is an equal opportunity Cupid. We don't discriminate based on gender, gender expression, sex, sexual orientation or really anything else. If you wanna spread some love, we'll help you!

Buy Your Cookie Grams in the Atrium until February 13th (1$ a cookie gram; 2$ to send anonymously)

Well-being guide to valentine's day

by Aryana Rousseau (LAW III), Student Well-Being Committee

At this time of year, it is hard to avoid Valentine's Day. Red hearts and chocolate displays abound, restaurants advertise pricey romance menus and flower shops overflow. For many, Valentine's Day activates the gag reflex. All the cliché and public displays of affection leave many thinking, "Get a frickin' room and leave me alone!"

Generally, expectations are what ruin Valentine's Day. Men feel overwhelmed by the pressure to indulge in the cliché while women feel disappointed by the lack of indulgence. In the end, no one is happy. But it doesn't have to be this way. This is one part of life where, if you want something done right, you can do it yourself.

This Valentine's Day, I invite you to focus on something different: self-love. Okay, I realize that this sounds a bit cheesy. But hear me out: I think that the basis of well-being is honoring yourself and being good to yourself. A few years ago, I was alone and lonely on Valentine's Day. But instead of feeling sorry for myself or waiting for someone else to make me happy, I decided to take action. I bought myself a dozen roses, booked a massage and took myself out to a movie. Ever since I took charge of my Valentine's experience, I have come to love this holiday.

Another way to spend Valentine's Day is to focus on non-romantic love. Valentine's is not just for lovers. There are lots of people in your life with whom you can celebrate. For example, last year, I surprised my best girlfriend by showing up on her doorstep with flowers. You can just imagine how happy she was!

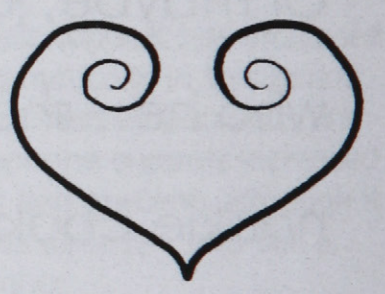
This year, I will use Valentine's as a guilt-free way to eat more chocolate. To help you get your self-love Valentine's started, I have included my favourite V-day recipe below. Enjoy!

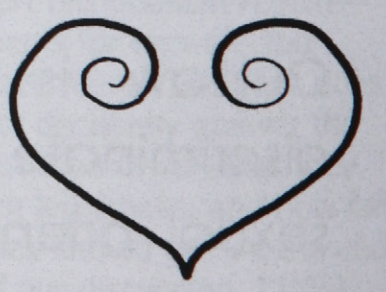
Recipe For **Chocolate Raspberry Custard**
From (adapted from the Joy of Cooking)
Serves

2 cups heavy cream
6 oz chocolate, chopped
3 eggs
½ cup sugar
raspberries, frozen or fresh

Heat the cream until almost simmering and whisk in chocolate until melted. Meanwhile, whisk together eggs and sugar in a large bowl. Gradually add the chocolate mixture to the egg, whisking constantly so that the egg doesn't cook. Optional: strain chocolate mixture through a fine-mesh sieve.

Pour the chocolate mixture into six or eight ramekins or ovenproof cups. Drop five or six raspberries in each cup, pushing them to the bottom with a spoon. Place cups in a deep pan and pour hot water in the pan, making sure not to get spill any water into the cups. This cooking method is called a water bath or bain-marie – you can learn more about it on the Internet. Place the pan in the oven and set the oven temperature to 250F. Cook about 1 to 1½ hours, until the custards are set but still quivery in the centre. Serve warm or cold, with champagne!





The McGill Law Wine Appreciation Club

and

Disability & the Law

will host

Thursday, February 14th

Wine tasting, chocolate
and
red-themed food and drinks!

LSA AED

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A MESSAGE FROM BEYOND THE GRAD

by Francie Gow (ALUM I)

"We can't return we can only look
Behind from where we came
And go round and round and round
In the circle game"
–Joni Mitchell

Well, the grades are in, and it seems that I will graduate this spring. I'm not sure how I feel about this. I was just starting to get the hang of things. Last fall I finally found myself on the giving end (mostly) of the "pay it forward" routine that McGill students have been polishing for decades, absorbing advice from upper years and passing it down in turn. Because I have three younger sisters, my parents have always jokingly called me "Francie the Elder." That about sums up how Law IV felt to me, and it felt good.

Then, BAM, Happy New Year, and suddenly I have to set the counter back from IV to I. I've started the Quebec Bar course, and it's deer-in-the-headlights time again. No more sweeping theory; it's time to cram in the details, all those pesky exceptions to the exceptions. No more transsystemic flirtations; my relationship with the civil law is to remain strictly monogamous for the foreseeable future. It's a whole new set of rules, and there are no upper years to guide me through.

There are traps everywhere, and I seem to fall into most of them. Je me sens nulle. Nulle de nullité absolue. In a bid to recover my self-esteem, I have decided to don my "Francie the Elder" cloak once again and impart my hard-earned wisdom to people who are still in a position to benefit from it.

I'm just going to throw things out there from time to time, revelations I've had that have improved my grades or improved my experience at McGill. Try them on for size if you wish. If they don't turn your crank, discard them. Just remember that every single one of your fellow students has a unique approach to our common challenge, and that you have a lot to learn from each other. Ask your friends how they get through a case, a summary, a week, a lecture with Professor X, a paper, an exam. Their answers will often surprise you.

I guess that in itself was a tip, albeit a hackneyed one. Let me leave you with something more original. When writing a paper, try starting with the bibliography. I hated writing papers until I figured this out in third year. You all know by now that formatting footnotes takes hours. It was always a late-night affair for me, the thrill of my final argument soon smothered by anti-climactic drudgery, which was in turn punctuated by panicked searches among piles of photocopies for the source of that quote that held the entire paper together.

No more. Now, once I have gathered enough applicable cases and statutes and doctrine, I invest one full afternoon compiling them into a perfectly formatted bibliography before I type even the first word of my outline. Naturally, this will not be the finished product, since I don't always use every source, and I add others as I find them, but that doesn't matter. As I type my rough draft I simply copy and paste from my bibliography into each footnote, without interrupting the flow of ideas. Nothing gets forgotten, and, still riding on the rush of my conclusion, I get to rush straight into bed.

[Editorial, contd. from 4]

ate for top political, bureaucratic or judiciary positions in Canada because of their complete inability and desire to speak, learn or respect an official language. But (practically) no one is suggesting that we should consider those people in the first place! Like any issue, it is the more detailed delineation of the contours which causes controversy – and perhaps it is even impossible to find any well defined boundary at all. In some cases politicians will capture the public's attention and admiration despite their imperfect mastery of an official language, and they will be swept into the national spotlight and accepted as legitimate leaders of Canada. In other cases, bureaucrats and Justices will be appointed or hired because they amply fulfill a plethora of valid criteria that has been taken into account and respected for many years in Canada, even though they themselves possess certain linguistic shortcomings. We can debate case by case, person by person, but it is hard to do more than that.

For my part, I end with a confession: on the 2006 Census to which I referred, I reported that I spoke both English and French, and when most people ask me, I say that I'm bilingual (with a few self-deprecating qualifications). But I would be horrified at the thought of my current French representing Canada in any public capacity! If anyone reading this feels the same, I encourage you to borrow a library book, set your homepage to a newspaper or strike up a conversation in your non-dominant language, and practice! Do it at this week's Coffee House or LSA Charity Valentine's Social. With such a high liklihood of there being future Canadian leaders among you, it could be your next step to becoming tomorrow's Wilfred Laurier, Aline Chretien, or even Beverley McLachlin, and becoming another good Canadian story that is recounted for years to come. At the very least, if it happens to be me with whom you strike up a conversation, you'll know that not only did you make someone's day, but that you helped to make one Alberta girl's quest for a more bilingual Canada a little bitmore meaningful.

CAREERS IN PUBLIC INTEREST/HUMAN RIGHTS LAW

by Susanne Greisbach (LAW III)

It's the time of year when many students start thinking about their plans for the summer. Events such as Civil and Common Law Career Days, law firm open houses, and sponsored coffeehouses may leave some wondering about what career options don't involve working in a big corporate law firm? I recently spoke with Me Catherine Bleau, Interim Director of the Career and Development Office (CDO) at the Faculty in an effort to discover what resources are available to McGill Law Students who might be interested in pursuing internships, articling positions, and careers in the areas of public interest and human rights law.

Below is a summary of some of the resources that the CDO has to offer these students. For more information, please contact the CDO.

Resources:

•The CDO's website (https://careerlink.mcgill.ca/) has several features that may be of interest to students searching for a human rights / public interest career:

•Once logged on to Careerlink, clicking on the "Job Search" tab leads to websites such as PSLawNet and Lawyers Without Borders, both of which contain information on human rights and public interest internships.

•Under the "Periodicals" section on Careerlink, there are PDF versions of the Legal Employment Handbook, the Public Interest Handbook (which contains pages and pages of links to various organizations that offer internships and/or articling opportunities),

The Guide to Careers in International Law, a list of and descriptions of the 2007 Public Interest Career Day participants, a publication called " Témoignages d'ancien(ne)s de la Faculté oeuvrant en défense de l'intérêt public", and a handbook on Public Interest Articling published by the University of Ottawa and The Law Union of Ontario. These publications are all available in hard copy at the CDO.

• Finally, under the "Collections" tab, students can search for books relating to "Alternative Careers", "Human Rights", "International Careers", and "Public Interest / Non-profit/ Pro Bono". These books can be taken out overnight.

•The CDO also posts internships and career opportunities on Careerlink (click on the "Job Bank" tab).

•In addition, there are binders relating to "Human Rights Internships" on the shelves in the CDO office.

Human Rights / Public Interest Events:

•The CDO organizes Public Interest Careers Day, which will be held on February 20th this year. Students at this event can chat with representatives from small law firms specializing in areas such as aboriginal, employment and human rights law, with representatives from Aide Juridique, and with representatives from the Canadian Human Rights Commission. As mentioned above, a list of and descriptions of last year's participants can be found on Careerlink under the "Periodicals" tab.

•The CDO also posts non-McGill Law Faculty events (which can be found by clicking on the "Calendar" tab on Careerlink).

• For example on March 14th and 15th, Osgoode Hall Law School will be hosting a Public Interest Careers Day and Spinlaw Conference. More information is available on Careerlink.

•The CDO also posts events from CAPS (Career and Placement Services).

Students who wish to receive more individualized attention are also welcome to schedule a counselling appointment with Me Bleau. More information can be found on the CDO website (http://www.mcgill.ca/cdo/)

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ARBITRATION, BUSINESS AND A COCKTAIL

by Owen Moody (LAW I)

Last Tuesday evening was a great opportunity for students of the Faculty to learn about international arbitration and business law from Soloman Sananes and Martin Valasek, both partners with Ogilvy Renault. Sananes started off the talk with a primer on the workings of a friendly takeover, and the related complications. It is always interesting to hear the story of a takeover from a practicing lawyer's perspective; from that first phone call, through the tense moments and sleepless nights, to the final closing. Sananes' insights into the process showed not only how the deal goes through, but also how lawyers and their clients address contingencies when a complicated deal starts to falter, and needs to be bolstered in the arena of the courtroom.

Sananes was followed by his colleague, Martin Valasek, who discussed international arbitration. Arbitration is an exciting and growing field in law, one that is perhaps overlooked by many students and young practitioners. From a young age we were bombarded by a litigation model of practice, one that is reinforced by law school's focus on jurisprudence. Some of us shift into the corporate model, one that is less jurisprudence and pleading and more planning, drafting, and negotiating. However, Arbitration does have a place, especially in our globalizing world. The appeal of arbitration for international business is twofold. Firstly, businesses enjoy the benefits of arbitration, a process that is generally less expensive than litigation, without the frustrating outcomes that usually come out of litigation. Secondly, the globalized economy means that companies are operating in several jurisdictions at once, with the option of switching jurisdictions as necessary. While this may be expedient for business, it can make judicial proceedings both frustrating and wasteful. A debtor need merely move assets into another jurisdiction to protect them from seizure.

While arbitration might lack the enforcing machinery of state courts (at least on the surface), there is a growing global infrastructure of organizations and agreements that facilitate international arbitration and enforce awards. The New York Convention, 1958, arguably provides the basis for international arbitration, and organizations such as the London Court of International Arbitration provide the physical presence necessary to enforce and develop these agreements. The international arbitration community also provides practitioners with the resources and collective expertise to hone their skills and develop their field (this is particularly crucial in international arbitration, as most decisions are not published).

Arbitration (much less international arbitration) may seem off the beaten path for most prospective practitioners. However, Valasek reminded the group that arbitration requires the skills that any practicing lawyer needs, skills of logical deduction and persuasive argument. While arbitration may not be litigation per se, lawyers need the same skill set in representing their clients interests in building and arguing a case, and seeking to achieve the best outcomes possible for those clients. The challenges provided by international arbitration, coupled with its ever-expanding reach, makes it an ideal area of practice for law students seeking a career in business law, with a focus on international law.

Talking with Valasek during the cocktail, I was struck by the breadth of experience he had gained through his practice, working through arbitration proceedings around the globe. It was hard not to be aware that he was speaking as a member of the Ogilvy Renault team, OR being recently ranked as the top arbitration and alternative dispute resolution firm in Canada, and the metaphorical home of Yves Fortier, internationally renowned as one of the top arbitrators in the world. As I have said, international arbitration is an exciting and growing area of practice, and where better to learn about it than at Ogilvy Renault.

DISABILITY AND THE LAW - ANNOUNCEMENT

The Newly Adopted International Convention on the Rights of Persons with Disabilities: Instrument of Change?

Wednesday, February 13, 2008 at 1pm-2:30pm
Moot Court (Rm 100), New Chancellor Day Hall (3644 Peel Street)
Faculty of Law, McGill University

Disability and the Law presents a panel discussion on the recently adopted International Convention on the Rights of Persons with Disabilities. The panelists will address the creation of this major new legal instrument, as well as its promises and implications for the future of persons with disabilities within Canada and internationally.

Interested in this emerging facet of international human rights law? Come to the panel discussion featuring: Prof. Nora Groce (Yale University) & Laurie Sargent (Department of Justice Canada, Human Rights Law Section) Chairperson: Prof. Mégret, McGill Faculty of Law.

This event is brought to you by Disability & the Law. With the help and support of: the Center for Human Rights and Legal Pluralism, the Law Students Association, Students Society of McGill University, the Dean's Discretionary Fund, the McGill Alumni Association and the Office for Students with Disabilities.

e-mail: disability.law@mail.mcgill.ca

La nouvelle Convention internationale sur les droits des personnes handicapées : Instrument de changement?

Mercredi 13 Février 2008, de 13h00 à 14h30
Salle de tribunal-école (Salle 100), New Chancellor Day Hall (3644, rue Peel)
Faculté de droit, Université McGill

Vous êtes cordialement invités à une discussion sur la Convention internationale sur les droits des personnes handicapées, nouvellement adoptée par les Nations Unies. Les participants discuteront de ce nouveau et majeur instrument juridique, de sa création, ainsi que de ses promesses et implications futures au Canada et au niveau international.

Êtes-vous intéressés par cette nouvelle facette du droit international de la personne? Alors venez à cette discussion avec :Prof. Nora Groce (Yale University) et Laurie Sargent (Ministère de la Justice du Canada, Section des droits de la personne) Modérateur: Prof. Mégret, Faculté de droit, Université McGill.

Cet évènement vous est présenté par Les Personnes handicapées & le droit.
Avec l'aide et le support de : Centre pour les droits de la personne et le pluralisme juridique, l'Association des Étudiants en Droit, l'Association des étudiants de l'Université McGill, le Fond discrétionnaire du doyen, l'Association des diplômés de McGill et le Bureau des services aux étudiants handicapés.

Courriel : disability.law@mail.mcgill.ca

CDO EVENT CALENDAR

February 2008

Mon	Tue	Wed	Thu	Fri	Sat
				1 Deadline - Ottawa Summer Applications	2
4 Soirée portes ouvertes Fasken	5 Collecte CVs ministère de la justice — MBLA : Ogilvy	6 Judge scc at lunch --- Area of Practice Dinner FC Judges --- Int'l Law Society event	7 McCarthy's "Women Connecting" Event (TO) ----- Davies Sponsored Coffeehouse	8	9
11 Candidatures Course au stage	12 Conférence Osler (LSA) — MBLA: Osler	13 Area of Practice Dinner (TBC)	14 Disability and the Law Coffeehouse	15 MBLA: McCarthy	16 Winterball
18	19	20 Public Interest Career Day	21 White & Case Sponsored Coffeehouse	22	23

LAWMERICKS: THE NEXT GENERATION

by Stephanie Jones (LAW III)

I

Having heard our chief justice speak
On language rights, I thought this week
I'd write en anglais
Et français – le premier
Limerick transsystémique?

March 2008

Mon	Tue	Wed	Thu	Fri	Sat
					1
3	4 Ottawa Summer Call Day	5 Info Session on the US/Toronto Recruitments --- Info Session on Calgary's Matching Program	6 Mock Interviews Outlaw Coffeehouse	7	8
10 Entrevues Course au stage	11	12 Promoting Montreal Event with Dean Kasirer	13 MILS Coffeehouse	14 Osgood Public Interest Day and SPINLAW conference	15 Osgood Public Interest Day and SPINLAW conference
17	18	19 Panel on Diversity in the Legal Profession	20 Bridge Club Coffeehouse	21	22
24	25	26	27 Aboriginal Law Association & Women's Caucus Coffeehouse	28	29
31 Offres d'embauche Montréal					

II.

Raoul, wherefore aren't thou? I'm conceding
A houseboy I'm desperately needing
To cook, clean, do dishes
Just as per my wishes
And let me catch up on my reading.

THE M/T PRESTIGE: POLLUTION OFF FRENCH AND SPANISH COASTS - A VICTORY

by Professor William Tetley, CM, QC

A number of years ago, I was asked by the New York law firm of Hughes, Hubbard & Reed - (HH &R) to help prepare the defence arising from giant oil pollution claims against their client American Bureau of Shipping (ABS), a Classification Society.

ABS had classified the Motor/Tanker (M/T Prestige) as designed and built in accordance with its rules and had declared on a periodic basis that the ship had remained in compliance with these rules. In November 2002, on its ill-fated voyage from Russia, the Prestige was refused entry into a port of refuge by Spain during a fierce storm and sank in heavy seas, polluting the coasts of France, Spain and Portugal, causing damage, unprecedented in shipping history.

After studying innumerable pleadings and documents, I finally came up with defences and went to New York and discussed the facts to be relied on and the law to be pleaded with three lawyers - Messrs. Steven A. Hammond and Jeffrey Coleman of HH&R and John E. Grimmer of John Grimmer & Assoc. (Messrs Hammond, Coleman and Grimmer) .

I visited New York on four occasions for such meetings and Messrs. Hammond, Coleman and Grimmer visited Montreal, three times for similar sessions. The New York lawyers were very, very competent, and also very demanding. In Spain there was a very fine defense team under the direction of Madrid lawyer - José Luis Goni Etchevers. In my drafting and research, I was aided by my very, very able assistants - Robert C. Wilkins and Victoria Netten .

Eventually multitudinous proceedings including my affidavits and of experts, engaged from Europe were fyled in New York and Europe. The Plaintiff in New York was "The Kingdom of Spain on its own behalf and as trustee for the other claimants" and the attorneys of record were Messrs. Hammond, Coleman & Grimmer.

The other side also had a very large team in New York and Europe counselled by Professor Francesco Berlingeria of Genoa, Italy, former President of the world body, the CMI.

Throughout, I emphasized the truism (often forgotten or unknown) which I had learned in practise, (1952 - 70), with the Montreal law firm of Martineau Walker, that to win any case, one had to allege and prove three factors: 1) that the facts were on our side; 2) that the law was on our side, and 3) that a judgment in our favour would be socially acceptable and morally proper in the circumstances of the case.

On January 2, 2008 a very carefully reasoned, summary judgment was rendered in New York in the American case, dismissing outright all the claims of The Kingdom of Spain and various governments and companies against the Classification Society.

The Moral Of It All: When a legal team pulls together with hard work and imagination, it has its best chance of success. I also believe that the judge was courageous and made the right decision.

Despite all the foregoing blather, may I say I also learned years ago at Martineau Walker, that in a lifetime, you only win 50% percent of the cases tried in court, which is exactly what my record is. I am grateful , however, that this last case was the biggest of all.

The other side is no doubt considering going to appeal !!!

Thank you for having read this far. The decision (5 double pages) is readily available on my website at

http://www.mcgill.ca/files/maritimelaw/ABSDecisionPrestigeJan2008.pdf

Regards from

William Tetley

Dearest Agatha: In which Dr Fanshawe speaks his mind

By Stefan Szpajda (LAW I)

Dearest Agatha,

Our courtship having expired some weeks ago, I feel within my place to offer a few instructive comments to help you avert similar unpleasantness in the future. Please do not take offense, as I load my cannon with the wisdom distance brings, and not my bow with the sharpened arrows of ill intent. Allow me then, if I may, to begin.

First off, your medications. In my humble (albeit medically trained) opinion, it is simply imperative that you continue to take them as prescribed. It is my conviction that our decline was precipitated by your insistence to rely upon your inner strength to carry you forth. As it turns out – and, if you shall recall, as I predicted - you either have not the capacity or the will to do so. Early signs of your mental incontinence were, if I may be so bold, endearing and among your finest features. With time, however, I grew tired of your peculiar requests and fits of hysteria. I wonder as I write if you have come to realize that two people cannot form a conga line, and any attempt to do so is inherently foolish? Particularly during one of Rev. Rockliffe's loftier sermons.

A further point of interest to you may be the advantages of proper hygiene. Certainly, the best among us forgets now and again to bathe, particularly in the frigid morn's of February. But I suspect one would be obliged to find bathing morally repugnant to achieve your levels of filth and grime. Even that Old Fetishist Napoleon would surely have objected to your interpretation of John Wesley's reasonable assertion that "Cleanliness is indeed next to Godliness." Please find enclosed a bar of soap, arrived just today from France, which I send forth as a gesture of good will.

Thirdly, I cannot refrain myself from commenting on the company you choose to keep. Sailors, I am certain, are able to carry on into the night regaling their guests with stories dripping with adventure. Yet when you return home yourself dripping with signs of adventure, it is not stories which keep me up at night, but rather a persistent rash and spells of existential angst. I shall write more on this matter, and a few others, through the hand of a dear Solicitor friend of mine.

Finally, I must accept some of the blame in this myself. I shall admit to having been blinded by an ungodly lust when I took your claims to be of peerage stock without further questioning. Stories of your feted past, it appears, have been greatly exaggerated. Your ignorance of history, arts, manners, and the English language should have raised suspicion on my part. In the future, I urge you to be honest with yourself and others. Best of luck during the upcoming famine. I sincerely hope you are not compelled to eat any of your many sickly children,

Yours,

Dr. Nathanial Fanshawe
Dublin

Lawyer Joke Corner

A guy walks into a post office one day to see a middle-aged, balding man standing at the counter methodically placing "Love" stamps on bright pink envelopes with hearts all over them. The man then takes out a perfume bottle and starts spraying scent over all the envelopes.

His curiosity getting the better of him, the guy goes up to the balding man and asks him what he is doing.

The man says "I`m sending out 1,000 Valentine cards signed, 'Guess who?'"

"But why?" asks the man.

"I`m a divorce lawyer," the man replies.

Causerie McCarthy Tétrault

Rio Tinto Panel

McCarthy Tétrault, Canada's premier law firm, is happy to invite you to a panel discussion on the Rio Tinto Alcan transaction which will be held on Monday, February 18th from 5pm to 6pm at our offices located at 1000 De la Gauchetière St West, 25th floor.

Venez rencontrer Marc-André Blanchard, associé directeur pour la région du Québec, ainsi que Karl Tabbakh et Stephanie Lee de notre groupe du droit des affaires. Ces derniers partageront avec vous leur expérience relative à la transaction Rio Tinto Alcan et vous entretiendront sur le travail d'équipe et l'esprit de collaboration nécessaires à la réalisation de la plus importante offre publique d'achat étrangère jamais réalisée au Canada.

Light refreshments will be served.
RSVP to jack.fattal@mail.mcgill.ca

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